

Exhibit A

- First Claim For Relief: Declaratory Judgment that the '275 Patent is Invalid;
- Second Claim For Relief: Declaratory Judgment that the '275 Patent is Invalid and Unenforceable By Reason of Prosecution Laches;
- Third Claim For Relief: Declaratory Judgment that the '275 Patent is Unenforceable due to Inequitable Conduct;
- Seventh Claim For Relief: Declaration that the '275 Patent is Unenforceable Against Wyeth Because Columbia is in Breach of the License Agreement;
- Eighth Claim For Relief: Declaration that Columbia is in Breach of its Agreement with the HHS and Wyeth is Entitled to Relief as a Third-Party Beneficiary to the Columbia/HHS Letter Agreement;
- Ninth Claim For Relief: Declaration that Wyeth has no Contractual Royalty Obligation Because Columbia is in Breach of its Implied Duty of Good Faith and Fair Dealing;

Federal Rule of Civil Procedure 12(b)(1):

The following claims are hereby dismissed for lack of subject matter jurisdiction under

hereby ORDERED as follows:

Pursuant to this Court's Memorandum and Order dated November 5, 2004, allowing the Emergency Motion to Dismiss for Lack of Subject Matter Jurisdiction filed by The Trustees of Columbia University in the City of New York on September 2, 2004 (Docket No. 86), it is

PROPOSED ORDER OF DISMISSAL

CIVIL ACTION No. 03-11570 MLW
(Part of MDL No. 04-1592 MLW)

WYETH and GENETICS INSTITUTE LLC,
Plaintiffs,
v.
THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK,
Defendant.

STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Dated:

- Tenth Claim For Relief: Declaratory Judgment that Wyeth has no Contractual Royalty Obligation Because Wyeth is Entitled to an Implied License to the '275 Patent Based Upon Legal Estoppel; and
 - Eleventh Claim For Relief: Declaration of an Exceptional Case.
- Claims Four, Five and Six of Plaintiffs' Complaint are not addressed by this order.

HON. MARK L. WOLF
UNITED STATES DISTRICT JUDGE